

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JEROME LEE CROSS,)	Case No.: 1: 24-cv-0501 JLT EPG
)	
Plaintiff,)	ORDER ADOPTING FINDINGS AND
)	RECOMMENDATIONS, DENYING PLAINTIFF'S
v.)	MOTION TO PROCEED IN FORMA PAUPERIS,
)	AND DIRECTING PLAINTIFF TO PAY THE
KINGS COUNTY SHERIFF, et al.,)	FILING FEE WITHIN 30 DAYS
)	
Defendants.)	(Docs. 2, 5)
)	
)	

Jerome Lee Cross seeks to proceed *in forma pauperis* in this action, in which he alleges the defendants are liable for violations of his civil rights at Kings County Jail. (Docs. 1, 2.) The magistrate judge found Plaintiff is subject to the three-strikes bar of 28 U.S.C. § 1915(g), after identifying the following cases that were dismissed prior to the filing of this action, for failure to state a claim, or as frivolous:

1. *Cross v. Kings County District Attorney's Office, et al.*, 1:14-cv-1073-AWI-SAB (dismissed "for failure to state a cognizable claim for relief" on July 7, 2015);
2. *Cross v. Kings County Sheriff Dept., et al.*, 1:14-cv-1253-JLT (dismissed without prejudice as barred under *Heck v. Humphrey*, 512 U.S. 477 (1994) on September 8, 2014); and
3. *Cross v. City of Hanford District Attorney, et al.*, 1:14-cv-01755-KJM-SAB ("dismissed, with prejudice, for failure to state a claim" on February 25, 2015).

(Doc. 5 at 2.) The magistrate judge also found Plaintiff fails to show he was in imminent danger of serious physical injury, such that an exception to Section 1915 applies. (*Id.* at 3-4.) Therefore, the

1 magistrate judge recommended Plaintiff's motion to proceed *in forma pauperis* be denied and that
2 Plaintiff be ordered to pay the filing fee. (*Id.* at 4.)

3 The Court served the Findings and Recommendations on Plaintiff and notified him that any
4 objections were due within 30 days. (Doc. 5 at 4.) The Court advised him that the "failure to file
5 objections within the specified time may result in the waiver of rights on appeal." (*Id.* at 5, citing
6 *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Plaintiff did not file objections, and the
7 time to do so has passed.

8 According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case.
9 Having carefully reviewed the matter, the Court concludes the Findings and Recommendations are
10 supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 11 1. The Findings and Recommendations issued on May 2, 2024 (Doc. 5) are **ADOPTED**
12 in full.
- 13 2. Plaintiff's motion to proceed *in forma pauperis* (Doc. 2) is **DENIED**.
- 14 3. Plaintiff **SHALL** pay the \$405 filing fee in full for this action within 30 days of the
15 date of service of this order.
- 16 4. **Plaintiff's is advised the failure to comply with this order will result in dismissal of**
17 **this action.**

18
19 IT IS SO ORDERED.

20 Dated: **June 15, 2024**


UNITED STATES DISTRICT JUDGE